



Docket No. TAMAR-P2630

PATENT

GAU 2165

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5-25-01*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: Ronald Lesser

Serial No.: 09/157,998

Art Unit: 2765

Filed: September 22, 1998

Examiner: Jeanty, Romain

For:

A SOFTWARE DEVICE TO FACILITATE CREATION OF
MEDICAL RECORDS, MEDICAL LETTER, & MEDICAL
INFORMATION FOR BILLING PURPOSES

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO ELECTION REQUIREMENT

Sir:

Before responding to the Examiner's April 19, 2001 election requirement, Applicant addresses the Examiner's claim objections regarding renumbering of the claims pursuant to 37 CFR 1.126. Regardless of the following discussion regarding renumbering, for purposes of referencing and addressing the Examiner's present restriction requirement, Applicant's response herein refers to the claims as numbered by the Examiner in the April 19, 2001 restriction requirement (i.e., as Claims 40-81).

Regarding the numbering of the claims, Applicant notes that in the September 26, 2000 Final Office Action, the Examiner renumbered Claims 1-13 and the

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Tom H. Dao May 18, 2001
Tom H. Dao, Reg. No. 44,641 DATE

then newly added Claims 14-22 to 1-9 and 23-48. Therefore, the highest claim number, according to said September 26, 2000 Office Action, was 48.

Pursuant to said Final Office Action, Applicant canceled Claims 1-9 and 23-48 and submitted Claims 49-90 in the presently filed RCE, dated March 26, 2001 (which the Examiner inadvertently referred to as the March 2, 2001 RCE in the present restriction notice). The present Election Requirement renumbered the newly submitted claims as 40-81 despite the September 2000 Final Office Action, which renumbered the claims from 1-9 and 23-48. In view of the conflict, Applicant requests clarification and written confirmation regarding which claim numbering is correct.

Turning now to the Examiner's restriction requirement of April 19, 2001, Applicant hereby provisionally elects the claims of Group I (Claims 40-64) for examination, with traverse. The Examiner has required restriction between Group I (Claims 40-64 drawn to an apparatus for gathering information regarding a patient and generating a billing code related to that information), Group II (Claim 65 drawn to a medical device for facilitating patient inquiries, for collecting and storing responses to said inquiries, and for generating documentation and claim requirements), Group III (Claim 66 drawn to a device for facilitating patients data gathering and for complying with government or insurance mandates); and Group IV (Claims 67-81 drawn to a process for generating documents, records, and codes in compliance with government or health insurance mandates).

In traversing this restriction requirement, Applicant respectfully notes that the foregoing claims (40-64) appear to read upon both Group I and Group IV (or at least some of the claims of Group IV). Specifically, Applicant is uncertain of the basis upon which the Examiner is "restricting" certain dependent claims (for example, Claims 68-73, 75, 76, 79, and 80) separately from the independent claims from which they depend. Applicant would be pleased to further respond to same if necessary. Among other things, these claims set forth additional limitations or requirements to the Group I claims elected above (an apparatus for gathering information regarding a patient).

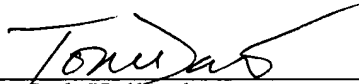
Accordingly, Applicant respectfully requests that the Examiner withdraw the restriction requirement of Group IV (or at least to the dependent claims noted above). The elected claims should therefore include at least the following: 40-64, 68-73, 75, 76, 79, and 80.

Please acknowledge receipt of this document by date-stamping and returning the enclosed self-addressed postal card.

Respectfully submitted,

Date:

May 18, 2001



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Enclosure

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